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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202079
Party	Defendant Chun-Leon Chen
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Submission	Motion to Amend/Amended Answer or Counterclaim
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No.: 85143738
For the mark: RE-VIVE
Filed on 2 October 2010

Solvay, S.A.,
Opposer,

Vs.

Chun-Leon Chen
Applicant

Opposition No.: 91202079

MOTION TO AMEND TRADEMARK APPLICATION

Applicant, by the undersigned attorney hereby requests that the above-referenced trademark application be amended as follows:

IN THE IDENTIFICATION OF GOODS:

Please amend the Identification of Goods as previously amended by Examiner's Amendment on 27 April, 2011 as follows wherein the newly added language is underlined (no language is to be deleted):

--DENTAL INSTRUMENTS FOR LIFTING THE SINUS MEMBRANE AND APPLYING BONE POWDER, ADJUSTABLE DOUBLE BLADE-HANDLED KNIFE FOR USE WITH CONNECTIVE TISSUE GRAFTS; DENTAL EXPLANT KITS COMPRISING TREPHINES HAVING A PLURALITY OF BLADES OF DIFFERENT SIZES FOR REMOVING IMPLANTS, DENTAL INSTRUMENTS, NAMELY, ORAL IRRIGATORS, HAND TOOLS FOR DRILLING BONE, HAND TOOLS

FOR SEPARATING THE SINUS MEMBRANE FROM THE MAXILLARY BONE, AND HAND TOOLS FOR PACKING BONE; DENTAL INSTRUMENTS, NAMELY, GUIDING SYSTEMS COMPRISING BLADES, PINS AND A BLADE HANDLE TO BE USED WHEN PLACING IMPLANTS; DENTAL INSTRUMENTS, NAMELY, GUIDING SYSTEMS COMPRISED OF DENTAL HAND PIECE, DRILL, DIRECTION INDICATION LASER GUIDER TO BE USED TO ENSURE CORRECT IMPLANT LOCATION OF SURGICAL IMPLANTS; DENTAL INSTRUMENTS, NAMELY, GUIDING SYSTEMS COMPRISED OF DENTAL HAND PIECE, DRILL, DIRECTION INDICATION LASER GUIDER TO DETERMINE OPTICAL IMPLANT DIAMETER DURING PLACEMENT OF SURGICAL IMPLANTS; DENTAL HAND PIECES, NAMELY, DENTAL BURRS, DENTAL ULTRASONIC HAND PIECES, OPTICAL SCANNING APPLIANCES FOR MEDICAL AND DENTAL USE; X-RAY APPLIANCES FOR DENTAL AND MEDICAL USE; SPRAYERS FOR CLEANING GUMS AND TEETH USED IN DENTISTS' OFFICES DURING DENTAL PROCEDURES; DENTAL IMPLANTS; ARTIFICIAL TEETH; DENTURES; DENTAL IMPLANT STRUCTURAL COMPONENTS; DENTAL CROWNS; DENTAL BRIDGES; BRACES FOR TEETH, ALL OF THE ABOVE GOODS NOT FOR POLYMERS FOR USE OR USED IN THE MANUFACTURE OF DENTAL IMPLANTS -- in International Class 10.

REMARKS

Responsive to a Settlement Agreement between Opposer and Applicant in Opposition Proceeding No. 91202079, Applicant has agreed to amend the Identification of Goods (and Opposer has agreed to the Amendment) as currently on file in the above-referenced Application.

The Amendment as provided in this Motion to Amend the Identification of the Goods is believed by the Applicant not to expand the scope of the goods as was currently existing in this Application prior to this Motion to Amend.

The Amendment in this Motion to Amend clarifies that the goods identified in Application Serial No. 85143738 do not include “polymers for use or used in the manufacture of dental implants.”

By this Amendment, the Goods have been amended to read: “dental instruments for lifting the sinus membrane and applying bone powder; adjustable double blade-handled knife for use with connective tissue grafts; dental explant kits comprising trephines having a plurality of blades of different sizes for removing implants, dental instruments, namely, oral irrigators, hand tools for drilling bone, hand tools for separating the sinus membrane from the maxillary bone, and hand tools for packing bone; dental instruments, namely, guiding systems comprising blades, pins and a blade handle to be used when placing implants; dental instruments, namely, guiding systems comprised of dental hand piece, drill, direction indication laser guider to be used to ensure correct

implant location of surgical implants; dental instruments, namely, guiding systems comprised of dental hand piece, drill, direction indication laser guider to determine optical implant diameter during placement of surgical implants; dental hand pieces, namely, dental burs, dental ultrasonic hand pieces, optical scanning appliances for medical and dental use; x-ray appliances for dental and medical use; sprayers for cleaning gums and teeth used in dentists' offices during dental procedures; dental implants; artificial teeth; dentures; dental implant structural components; dental crowns; dental bridges; braces for teeth, all of the above goods not for polymers for use or used in the manufacture of dental implants," in International Class 10.

The language underlined above indicates additional wording to be added to the Identification of Goods as originally filed. The Opposer consents to this Amendment.

It is respectfully requested that this Motion to Amend be granted. The parties have further agreed that once this Amendment is entered Opposer will withdraw Opposition No. 91202079 with prejudice.

Respectfully submitted,

FOR: ROSENBERG, KLEIN & LEE
/Morton J. Rosenberg/
Morton J. Rosenberg
Registration No. 26,049
Attorney for Applicant
Dated: 10 September 2013

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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that a true and complete copy of the foregoing Motion to Amend Trademark Application has been filed electronically with the Trademark Trial and Appeal Board (ESTAA system) on the date shown below.

FOR: ROSENBERG, KLEIN & LEE

/Nicole B. Rackiewicz/
Nicole B. Rackiewicz

September 10, 2013
Date

CERTIFICATE OF SERVICE

The undersigned Attorney hereby certifies that a copy of the foregoing Motion to Amend Trademark Application was served on the Opposer by mailing a true copy thereof by first class mail, postage prepaid to: Janet F. Satterthwaite, Esq., Venable LLP, 575 Seventh Street NW, Washington, DC, 20004 on this 10th day of September 2013.

/Morton J. Rosenberg/
Morton J. Rosenberg
Registration No. 26,049
Attorney for Applicant